THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.6721 of 2006

Dated: 06-04-2006

N. Bikshapathi, and nine others.

..... PETITIONERS

AND

The Collector, Ranga Reddy District,
and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.6721 of 2006

ORDER:

The petitioners, who are ten in number, invoked the jurisdiction of this Court under Article 226 of the Constitution of India in the following circumstances.

The petitioners allege that all of them belong to scheduled tribe and they were assigned land admeasuring about Acs.18.27 guntas in Survey No.1107 by the Competent Authority in Tahsil File No.A1/900/71. They also allege that they have been in possession and cultivating the land. According to the petitioners, the Mandal Revenue Officer, third respondent herein, with her staff got demolished the fence and pillars of the boundary wall without due process of law. Aggrieved by the same, the petitioners made a representation to the District Collector, who allegedly directed subordinate officials to look into the matter. According to the petitioners, the second respondent thereafter directed the third respondent by letter dated 06-12-2005 to conduct discrete enquiry in relation to the transactions and send a detailed report. In spite of the same, the third respondent, without conducting enquiry and without sending any report to the second respondent, orally informed the petitioners that they have to vacate the land. It is asserted by the petitioners that within their knowledge the third respondent did not take any action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, the Act). Therefore, they filed the present writ petition seeking a writ of Mandamus declaring the highhanded action of the third respondent and subordinates in demolishing the fence and pillars of the boundary wall of the land in Survey No.1107.

At the stage of admission itself, the learned Assistant Government Pleader submits that the land in Survey No.1107 is assigned land and the assignees transferred the land to the petitioners in violation of the provisions of the Act. Therefore, necessary action was taken and the order of resumption was passed on 25-05-2005. According to the learned counsel, as the original assignees of the petitioners were not available, the notice issued in Form I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for brevity, the Rules) was affixed on the notice board of Gram Panchayat Office. He also submits that the possession of the land was already taken on 05-06-2005.

This Court has perused the file bearing No.B1/958/05 dated 16-03-2005 produced from the office of the Mandal Revenue Officer which would support the contentions of the learned Assistant

Government Pleader. Therefore, though a strenuous submission is made by the petitioners that the procedure contemplated under the Act and the Rules was not followed by the respondents, this Court is not inclined to go into this question. If so advised, it shall be open to the petitioners to file an appropriate appeal before the jurisdictional Revenue Divisional Officer under Section 4-A of the Act after obtaining the copies of the resumption orders. The Revenue Divisional Officer is further directed to dispose of the appeal within a period of two weeks from the date of filing of such appeal. In this writ petition, this Court is not inclined to exercise the discretion in favour of the petitioners, especially when the allegation is made that they are the beneficiaries of the transactions, which are declared void under Section 3 (1) of the Act.

The writ petition, with the above directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

6th April, 2006.

Note: Issue CC by 08-04-2006.

B/o

ghn